IN THE HIGH COURT OF BOMBAY AT GOA.

COMPANY APPLICATION NO. 32-O OF 2001.

The Official Liquidator,
High Court of Bombay,
Panaji Bench represented
by M/s. Bhartiya Development
Finance Limited (in
liquidation). ... Applicant.

Versus

1. Francis Fernandes, Shalini
   Building, 2nd Floor,
   Khorlim, Mapusa, Goa.
2. Robert C. Lemos,
   A/F-3, Nirvana Housing
   Complex, Shetyewaddo,
   Duler, Mapusa, Goa. ... Respondents.

Ms. Amira Razak, Advocate for the Applicant.

Mr. E.P. Lobo, Advocate for the Respondent No. 1.

Coram: P.V. HARDAS, J.

Date: 2nd August 2002.

ORAL ORDER.

Heard Miss Razak, learned counsel appearing for the applicant and Mr. Lobo, learned counsel appearing for the respondent no. 1.

2. The respondent no. 1, in response to the notice issued by this Court, had filed his affidavit, dated 27th June 2001. In paragraph 6 of the affidavit, the respondent no. 1 stated that inspite of his financial difficulties, he was willing to pay Rs. 40,000/- only along with a reasonable interest of 10%

as a one time settlement within a period of 3 months. When the matter was placed before this Court on 13th July 2001, this Court, by its Order dated 13th July 2001, allowed the respondent no. 1 to pay the amount within three months and had reduced the rate of interest to 10%. This Court had also stated that failure to pay the amount consequences would follow and a decree would be passed. It is undoubtedly true that the respondent no. 1 had not complied with the Order of this Court and had not deposited the amount within three months. Accordingly, the respondent no. 1 has filed an application for condonation of delay in complying with the Order of this Court. I have perused the application. The respondent no. 1 states that the reason for not complying with the Order of the Court is because of extreme financial difficulties, which were beyond his control. In view of this I was inclined to accept the application of the respondent no. 1, who on his own gesture was willing to pay Rs. 1,000/- as costs, which has been deposited in the account of the Goa State Legal Aid Fund. The respondent no. 1 has, in all, paid Rs. 64,000/- towards compliance with the Order of this Court.

3. In view of this, the Company Application does not survive and is, accordingly, dismissed. The claim of the applicant stands satisfied and the

proceedings stand disposed. The records and proceedings in O.A. No. 54 of 1998/C be remitted to the Judicial Magistrate, First Class, Mapusa.

(P.V. HARDAS)
JUDGE.

ed's.